

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Mickey Leonard Johnson,

C/A No. 1:18-2154-JFA

Plaintiff,

vs.

John R. Harvey, III; Judge Doyet Early;
Bethany Young; Dereck Bush; Mike Hunt;
Judge Melanie Debose; Carl Stuart Insley,

Defendants.

ORDER

Mickey Leonard Johnson (“Plaintiff”), proceeding *in forma pauperis*, filed a *pro se* Complaint in this civil action while incarcerated in the Aiken County Detention Center on state criminal charges. Plaintiff seeks to sue a sheriff’s deputy or investigator and the sheriff of the Aiken County Sheriff’s Department, three judges, the solicitor in his case, and his public defender. (ECF No. 1). Pursuant to 28 U.S.C. §636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.), this case was referred to a Magistrate Judge for review.

Because the Complaint was filed pursuant to 28 U.S.C. §§ 1915, 1915A, this Court is charged with screening Plaintiff’s lawsuit to identify cognizable claims or to dismiss the complaint if, after being liberally construed, it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss the action without prejudice

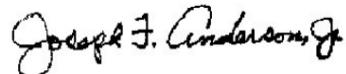
¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

and without issuance and service of process.² (ECF No. 8). The Report sets forth in detail the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on August 20, 2018. (ECF No. 8). The Magistrate Judge required Plaintiff to file objections by September 4, 2018. *See id.* However, Plaintiff failed to file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 8). Therefore, Plaintiff's Complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.



September 12, 2018
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge

determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

² On August 20, 2018, Magistrate Judge Paige M. Gossett issued an order severing several defendants and ordered the Clerk of Court to assign separate civil action numbers for the cases against the severed defendants because Plaintiff's claims against those defendants were unrelated to the claims at issue in this case. (ECF No. 6). This Order has no bearing on Plaintiff's claims against the severed defendants.